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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,242

02/09/2004

Hong-Jik Doo

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09/27/2006

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EXAMINER

JOHNSON III, HENRY M

ART UNIT

PAPER NUMBER

3739

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/773,242	Applicant(s) DOO, HONG-JIK C	
	Examiner Henry M. Johnson, III	Art Unit 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed August 8, 2006 have been fully considered but they are not persuasive. The prior art disclosed within Kim clearly teaches a reciprocating spinal contact element.

The indicated allowability of claim 5 is withdrawn in view of the newly discovered reference(s) to Lehmann. Rejections based on the newly cited reference(s) follow.

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show labels 520, 520a and 710a as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is not descriptive. Thermotherapy implies the delivery of thermal energy for therapeutic purposes. No thermal energy source is included in the device. A new title is required that is clearly indicative of the invention to which the claims are directed.

The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

The disclosure is objected to because of the following informalities, many appear to be the result of translation. The applicant is requested to review the disclosure to assist in improving the clarity and understanding of the application.

The term "electric field parts" used in the specification and the claims is not defined and is not used in a manner consistent with English grammar.

In paragraph 0030 the terms "circuit relationship and peripheral technique" are not understood.

In paragraph 0010 the phrase "does not have a specific foldable providing function" is improper grammar.

In paragraph 0055, the holes 630 are in plate 600, not plate 800.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is unclear as the term "electric field parts" is not a common term nor is it defined in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 8, 10-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,656,138 to Kim in view of U.S. Patent 3,884,160 to Gutierrez. Kim teaches a therapeutical device that provides a foot pressure means and vertebral correction means with additional functions for achieving an optimum sleep, blood circulation and vertebral correction (abstract). Kim teaches a bed like apparatus (Fig. 1) that includes a body (Fig. 1, # 20) of a mat type (upper therapy mat); a reciprocal motor (Fig. 1, # 30) fixed at one side of the interior of the body; a driving transmission device (belt, chain and wire) (Fig. 1, # 40) connected to the reciprocal motor and reciprocally moving around a predetermined section when the

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reciprocal motor (Fig. 1, # 30) is driven; and a treatment unit (Fig. 1, # 50) connected to the driving transmission device (Fig. 1, # 40). The treatment unit and the protrusions (pressure beads) shown are interpreted as spinal corrector and therapy director. A foot pressure means is disclosed as on a portion of the device on which a lower body would be positioned (Fig. 2, # 300). The lower portion (Fig. 1) appears similar to the padded upper portion and clearly is intended for a body part and it is therefore considered obvious that that section would also be padded. Kim does not disclose a means for folding the unit for transport or storage comprising a foldable frame. Such foldable frames are well known. Gutierrez discloses a folding table with a center leg around which the two ends of the table fold for storage (Fig. 3). A support is provided between each end portion and the center support (fig. 1, #s 70 & 71). It would have been obvious to one skilled in the art to replace the fixed frame with a foldable frame as taught by Gutierrez in the invention of Kim to allow the unit to be stored in less space and more easily transported. Foldable platforms are pervasive for massage tables, picnic tables, surgical gurneys, etc.

Regarding claim 2, Kim is silent regarding how the device is put together, however, access to internal parts would be needed periodically leading on to attach the pieces in a manner that would allow such access. The separation unit is clearly a base with padding and a cover that is removable as a unit. The separation of elements, where removability would be desirable, is a design consideration within the skill of the art. In re Dulberg, 283 F.2d 522, 129 USPQ 348 (CCPA 1961).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,656,138 to Kim in view of U.S. Patent 3,884,160 to Gutierrez as applied to claim 2 above and further in view of U.S. Patent 5,974,979 to Grady et al. Kim and Gutierrez are discussed above, but do not teach the specifics of a pad for the device. Grady et al. disclose a portable, folding

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table for massage or therapeutic use that includes surface sections are covered with appropriate padding (urethane) covered by a suitable fabric, leather, vinyl or the like. It would have been obvious to one skilled in the art to use the padding as taught by Grady in the invention of Kim in view of Gutierrez as it is well known to provide such padding and covering for a surface upon which a body is to be placed to increase the comfort of the person.

Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,656,138 to Kim in view of U.S. Patent 3,884,160 to Gutierrez as applied to claims 4 and 14 above and further in view of U.S. Patent 4,303,018 to Lehmann. Kim and Gutierrez are discussed above, but do not teach pads between parts of the foldable portions. Lehmann teaches a folding table with pads between portions of the structure, thus teaching the use of such pads to protect the parts from damage when touching. It would have been obvious to one skilled in the art to use protecting pads as taught by Lehmann in the invention of Kim in view of Gutierrez to reduce wear on the parts as the device is folded and unfolded.

Claims 6, 7, 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,656,138 to Kim in view of U.S. Patent 3,884,160 to Gutierrez as applied to claims 4 and 14 above and further in view of U.S. Patent 5,283,919 to Grant. Kim and Gutierrez are discussed above, but do not teach latching and safety devices for a folding structure. Grant teaches a folding trauma stretcher that includes a support structure for securing the stretcher in an open, unfolded position, the structure including brace arms for preventing the legs from pivoting with respect to the frame assemblies and a stop plate and locking means for preventing the frame members from pivoting with respect to each other (abstract). A hook is disclosed to keep the device from unfolding when in the folded configuration (Fig. 4). The stretcher includes a support framework including linkages, bracing members and stop plates, which secure the frame assemblies when the stretcher is in its open position thereby preventing the open

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stretcher from collapsing (Col. 3, lines 35-45). Clearly, such a collapse would present a danger to a person's hand and fingers, so the plates serve to reduce that danger. It would have been obvious to one skilled in the art to provide the various safety features as taught by Grant in the invention of Kim in view of Gutierrez to insure the device maintained a desired configuration and to protect the operator of the device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following U.S. Patents all disclose folding tables with various padding and locking means:

3,557,720, 5,009,170, 6,035,467, 6,705,234 and 7,032,524.


U.S. Patent 6,454,732 teaches a table with spinal rollers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry M. Johnson, III whose telephone number is (571) 272-4768. The examiner can normally be reached on Monday through Friday from 6:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Henry M. Johnson, III
Primary Examiner
Art Unit 3739